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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,410	08/01/2003	Christopher J. Dyl	19815-014001	4381

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EXAMINER	
SALL, EL HADJI MALICK	
ART UNIT	**PAPER NUMBER**
2157	
MAIL DATE	**DELIVERY MODE**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,410	DYL, CHRISTOPHER J.	
	Examiner	Art Unit	
	El Hadji M. Sall	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 3.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 09/26/03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on August 1, 2003. Claims 1-20 are pending. Claims 1-20 represent efficient method for providing game content to a client.

2. ***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Poulin U.S. 20030008712.

Poulin teaches the invention as claimed including system and method for distributing a multi-client game/application over a communication network (see abstract).

As to claims 1 and 8, Poulin teaches a method for efficiently transmitting to a client a content update, the method comprising the steps of:

a) hosting for transmission a content update comprising a plurality of data files (paragraph [0010]);

b) identifying a subset of the plurality of data files comprising the content update as high-quality data files (paragraph [0030]);

c) creating a high-quality content update comprising the identified high-quality data files (paragraph [0037]);

d) receiving a client connection request (paragraph [0048]);

e) determining that high-quality data files are to be transmitted to the client (paragraph [0010]);

f) transmitting data files from the high-quality content update (paragraph [0025]); and

g) transmitting the remaining data files comprised in the content update (paragraphs [0038]-[0039]).

As to claims 2 and 9, Poulin teaches the method of claims 1 and 8 wherein step a) comprises storing on a network storage device a content update comprising a plurality of data files (paragraph [0025]).

As to claims 3 and 10, Poulin teaches the method of claims 1 and 8 wherein step b) comprises identifying a subset of the plurality of data files comprising the content update as high-quality data files using a data quality function (paragraph [0010]).

As to claims 4 and 11, Poulin teaches the method of claims 3 and 9 wherein the plurality of data files contained in the content update are sorted by data quality and a certain fixed percentage of the highest quality data components are separated as high-quality data files (paragraph [0030]).

As to claims 5 and 12, Poulin teaches the method of claims 3 and 9 wherein the data quality function is based on the sizes of the plurality of data files (paragraph [0046]).

As to claims 6 and 13, Poulin teaches the method of claims 1 and 8 further comprising the step of removing the high-quality data files from the content update (paragraph [0025]).

As to claims 7 and 14, Poulin teaches the method of claims 1 and 8 wherein step e) comprises determining that the received request includes a bit value indicating high-quality files should be transferred (paragraph [0048]).

As to claim 15, Poulin teaches a computer based content updating apparatus comprising:

a non-volatile memory element storing a content update comprising a plurality of data files (figure 1);

a processor in electrical communication with the non-volatile memory element identifying a subset of the data files in the content update as high-quality data files, separating the high-quality data files from the content update, and storing in the non-volatile memory element a high-quality content update comprising the separated high-quality data files (figure 1; paragraph [0021]); and

a transceiver in electrical communication with the non-volatile memory element and the processor, the transceiver receiving a connection request from a remote client on a network (paragraph [0048]);

wherein the processor determines that high-quality data files are to be transmitted to the client and the transceiver transmits data files from the high-quality

content update and the remaining data files comprising the content update (paragraph [0025]; paragraphs [0038]-[0039]).

As to claim 16, Poulin teaches the apparatus of claim 15 wherein the processor identifies a subset of the plurality of data files as high-quality data files using a data quality function (paragraph [0010])

As to claim 17, Poulin teaches the apparatus of claim 15 wherein the processor removes the high-quality data files from the content update (paragraph [0025]).

As to claim 18, Poulin teaches the apparatus of claim 15 wherein the connection request from a remote client received by the transceiver includes a bit value indicating high-quality files should be transferred (paragraph [0048]).

As to claim 19, Poulin teaches the apparatus of claim 15 wherein the non-volatile memory element comprises a network storage device (paragraph [0021]).

As to claim 20, Poulin teaches the apparatus of claim 15 wherein the non-volatile memory element is associated with a first computer, the processor is associated with a second computer, the transceiver is associated with a third computer, and the first computer, second computer, and third computer are in electrical connection with each other over a network (figure 1).

4. Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art: 6,106,399; 5,964,660.

5. Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
Patent Examiner
Art Unit: 2157

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